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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,503	10/24/2003	Surya Sagi	F-591-01	2665

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Pitney Bowes Inc.
Intellectual Property and Technology Law Dept.
35 Waterview Drive
P.O. Box 3000
Shelton, CT 06484

EXAMINER

MORRISON, JAY A

ART UNIT	PAPER NUMBER
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2168

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/694,503

Applicant(s)

SAGI ET AL.

Examiner

Jay A. Morrison

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-16 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5,8-13,16 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al. ('Smith' hereinafter) (Patent Number 6,965,895).

As per claim 1, Smith teaches

"an inserter controller gathering machine data, the controller programmed to gather predetermined machine data comprising substantially all significant machine data from machine sensors and control routines" (column 9, lines 21-45);

"a journal storage system configured to store machine data gathered by the inserter controller" (column 10, lines 5-20) "in a compressed format" (column 12, lines 56-60);

"a data pump configured to process compressed data from the journal and to transmit the processed data in a format suitable for a particular client, the data pump

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processing configuration including selecting a subset of data from the journal that is of interest to the particular client" (column 12, lines 56-60; column 16, lines 8-38).

As per claim 2, Smith teaches

"the journal storage system includes journal files, wherein each journal file stores data for a different mail run" (temporal-based data, column 11, lines 18-33).

As per claim 3, Smith teaches

"the journal storage system stores machine data for a plurality of inserter machines" (multiplicity of fabs, column 19, lines 7-42) "and each data element is associated with a journal thread within the journal files" (column 10, lines 47-62).

As per claim 4, Smith teaches

"each journal thread is associated with a particular inserter machine" (column 8, line 49 through column 9, line 13).

As per claim 5, Smith teaches

"the data stored in the journal storage system comprises event entries, thread context entries, and system information entries" (column 10, line 47 through column 11, line 6; column 11, line 42 through column 12, line 24).

As per claim 8, Smith teaches

"the data pump is configured to translate the compressed data from the journal storage system to an XML format" (column 29, lines 16-50).

As per claims 9-13, Smith teaches

These claims are rejected on grounds corresponding to the arguments given above for rejected claims 1-5 and are similarly rejected.

As per claim 16, Smith teaches

This claim is rejected on grounds corresponding to the arguments given above for rejected claim 8 and is similarly rejected.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6-7, 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. ('Smith' hereinafter) (Patent Number 6,965,895) as applied to claims 1 and 9 above, respectively, and further in view of O'Rourke et al. ('O'Rourke' hereinafter) (Patent Number 6,990,497).

As per claim 6,

Smith does not explicitly indicate “the data pump is configured to determine whether clients are currently active”.

However O'Rourke discloses “the data pump is configured to determine whether clients are currently active” (request, column 9, lines 48-60).

It would have been obvious to one of ordinary skill in the art to combine Smith and O'Rourke because using the steps of “the data pump is configured to determine whether clients are currently active” would have given those skilled in the art the tools to improve the invention by responding to clients. This gives the user the advantage of being able to service clients.

As per claim 7,

Smith does not explicitly indicate “the data pump is configured to track what data has been transmitted to each client, and whereby if a particular client goes offline, the data pump is configured to resume transmittal at a point where transmittal was interrupted”.

However O'Rourke discloses “the data pump is configured to track what data has been transmitted to each client, and whereby if a particular client goes offline, the data pump is configured to resume transmittal at a point where transmittal was interrupted” (column 10, lines 17-38).

It would have been obvious to one of ordinary skill in the art to combine Smith and O'Rourke because using the steps of “the data pump is configured to track what data has been transmitted to each client, and whereby if a particular client goes offline,

the data pump is configured to resume transmittal at a point where transmittal was interrupted" would have given those skilled in the art the tools to improve the invention by not requiring uninterrupted availability. This gives the user the advantage of not losing data if transmission is interrupted.

As per claims 14-15,

These claims are rejected on grounds corresponding to the arguments given above for rejected claims 6-7 and are similarly rejected.

Response to Arguments

6. Applicant's arguments filed 7/14/2006 have been fully considered but they are not persuasive.

Applicant argues that Smith et al. ('Smith' hereinafter) (Patent Number 6,965,895) does not disclose or suggest a system using an "inserter controller" or a method for gathering "inserter machine" data. In response, it is noted that Smith discloses "a data gathering process or module that obtains different types of data from any one of a number of different types of data sources" (column 9, lines 22-25). This clearly teaches the required elements of the limitations noted and the Applicants' arguments are therefore not persuasive.

Applicant argues that Smith does not disclose or suggest the "data pump" element for, or step for, "processing compressed data from the journal and transmitting the processed data in a format suitable for a particular client." It is noted that Smith

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discloses compressed a data archive file which is compressed (column 16, lines 56-60), processing the data using a data parser (column 12, lines 15-20), and transmitting the processed data in a suitable format to a client (column 12, lines 39-47 and further detailed in column 9, lines 32-45). This clearly teaches the required elements of the limitations noted and the Applicants' arguments are therefore not persuasive.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record, listed on form PTO-892, and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jay A. Morrison whose telephone number is (571) 272-7112. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TIM VO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Jay Morrison
TC2100



Tim Vo
TC2100